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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,900	10/10/2001	Bruce W. Stevens	80072	6876

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DIVISION NEWPORT
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NEWPORT, RI 02841

EXAMINER

ROSWELL, MICHAEL

ART UNIT PAPER NUMBER

2173

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/977,900

Applicant(s)

STEVENS, BRUCE W.

Examiner

Michael Roswell

Art Unit

2173

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-7, 11-13, 15, 18 and 19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

JOHN CABECA
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The arguments filed 13 July 2005 have been fully considered but are not persuasive. Regarding applicant's argument of independent claim 5 that Bookspan fails to teach "the control of at least one unlike graphical image display by the respective computer" because the random transitions of Bookspan aren't content and aren't controlled, the Examiner respectfully disagrees. Firstly, the claim language states a "graphical image display", and fails to mention the display of "content". Secondly, the Examiner maintains that random transitions between content slides ensure an "unlike graphical image display", as different transitions are displayed between the same slides presented to different users. The Examiner further asserts that Bookspan teaches "associating playing time for each set of files of said at least one set of files on each of said plurality of computers", taught as the meeting start and end time, at col. 13, lines 22-28. Furthermore, the PowerPoint presentations used by Bookspan are well known in the art to allow for a pre-set slide duration. In response to Applicant's argument that Bookspan fails to teach "coordinating different sets of files among different computers", the Examiner would like to point out that the claim language fails to disclose "different sets of files among different computers". Instead, the claims disclose "unlike graphical image displays", which Bookspan has been shown to teach. Regarding Applicant's argument that there is no motivation to combine Bookspan and the Network Time Protocol reference, since Bookspan teaches defining a starting time for a broadcasted presentation, one would obviously desire to synchronize the clocks on the computers of broadcast recipients, so all members receiving the broadcast do so at the start of the presentation. The limitations to independent claim 19 are similar to those of claim 5 and are similarly rejected. In regards to Applicant's arguments concerning independent claim 13, the Examiner maintains that Bookspan teaches a read scenario command to read each scenario file of an at least one scenario file (taught as the ability to select a start time and an end time associated with each presentation, at Fig. 7, and col. 13, lines 20-28, which is inherently read by the client program), at least one get image command to retrieve each graphical image file of a respective at least one subset of graphical image files of a respective set of presentation files listed in each scenario file (inherent in the display of the presentation), a software timing control operable for coordinating the display of each graphical image file for each of the plurality of computers, at least a first display command to designate a set of presentation files of at least one set of presentation files for a desired one of the first plurality of computers (taught as the ability to select a start time and an end time associated with each presentation, at Fig. 7, and col. 13, lines 20-28). Bookspan teaches running a second plurality of simultaneous and independent executions of the software control program for controlling a second plurality of unlike graphical image displays (taught as the displaying of HTML presentations in browser windows in Fig. 3, which are well known in the art to allow for a plurality of open windows displaying different files), and coordinating a display sequence for each unlike graphical image display (taught inherently by the slide sequence of a Powerpoint presentation).